

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RASHAUN BLANFORD,

Plaintiff,

NOTICE OF MOTION

-against-

21-CV-0231

BANKS et. al.,

TJM/CFH

Defendants.

PLEASE TAKE NOTICE that upon the accompanying Attorney Affirmation of Brittany M. Haner; the Declarations of Brian Edwards, Shane Banks, Rachel Seguin, Brian Demeree, Sarah DeRocco, James Johnson, William Snyder, and Erin Pfendler, and the exhibits attached thereto; the Rule 56.1 Statement; the accompanying Memorandum of Law; and upon all the pleadings and proceedings herein, defendants James Johnson, Shane Banks, Brian Demeree, and Sarah DeRocco will move the United States District Court, Northern District of New York, Albany, New York, on a date and time to be scheduled upon filing by the Clerk of Court, pursuant to Federal Rule of Civil Procedure 56(a) for an order granting defendants summary judgment and dismissing Plaintiff's claims against them in the Complaint and Supplemental Complaint in their entirety, together with costs, expenses, and such other or further relief as may be just, proper, and equitable.

PLEASE TAKE FURTHER NOTICE that, pursuant to Federal Rule of Civil Procedure Rule 56(e), when a motion for summary judgment is made and properly supported, you may not simply rely upon your pleadings to oppose said motion, but you must respond by affidavits or as otherwise provided in that rule, setting forth specific facts showing that there is a genuine issue of material fact for trial. Any factual assertions in defendants' Declarations will be accepted by the

Court as being true unless you submit affidavits or other documentary evidence contradicting defendants' assertions. If you do not so respond, summary judgment, if appropriate, may be entered against you. If summary judgment is granted against you, those portions of your case will be dismissed and there will be no trial on those causes of action.

PLEASE TAKE FURTHER NOTICE, that pursuant to Rule 7.1(a)(1) of the Local Rules of Practice of the United States District Court for the Northern District of New York, any papers to be submitted in opposition to the within motion must be filed with Clerk in Syracuse, New York and served upon counsel for the defendant no later than twenty-one (21) days after service of the motion.

**A copy of the United States District Court, Northern District of New York
“Notification of the Consequences of Failing to Respond to a Summary Judgment Motion”
is annexed hereto.**

Dated: Albany, New York
September 28, 2022

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